

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

MATTHEW THOMPSON,

Plaintiff,

v.

Case No.: 4:14-cv-465-RH-GRJ

B. SMITH, et al.,

Defendants.

**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO RESPOND TO
PLAINTIFF'S SECOND AMENDED COMPLAINT**

Defendants **Smith, Atkins, Sikes, and Price** ("Defendants") through undersigned counsel and pursuant to Fed.R.Civ.P. 6(b), request an order extending the time to respond to Plaintiff's second amended complaint (Doc. 43), and state:

1. Plaintiff, a prisoner in the custody of the Florida Department of Corrections ("FDC") initiated this case by filing a *pro se* complaint asserting claims against the Defendants. (Doc. 1). Plaintiff then filed his First Amended Complaint (Doc. 15) and Defendants filed their motion to dismiss. (Docs. 25 and 32). This Court issued its Order granting in part and dismissing in part the motion to dismiss and further granting Plaintiff leave to file an amended complaint. (Doc. 37).

2. On March 31, 2016, Plaintiff filed his Second Amended Complaint. (Doc. 43). Defendants' response is therefore due on or before April 14, 2016.

3. Undersigned has started drafting a response but requires additional time to further research the pertinent issues in the case and to finalize the response. Undersigned has numerous competing deadlines within the upcoming week attributable in part to a recent upswing in caseload and requests a 14 day extension in the instant case.

4. Granting the requested extension of time will in no way prejudice Plaintiff and will serve the interests of justice.

5. The motion is made in good faith and not for the purpose of delay.

MEMORANDUM OF LAW

Pursuant to Fed. R. Civ. P. 6(b):

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

WHEREFORE, Defendants move this Court to grant an extension of time of 14 days such that a response to Plaintiff's second amended complaint is due April 28, 2016.

Respectfully submitted,

PAMELA JO BONDI
ATTORNEY GENERAL

/s/ Mark S. Urban

MARK S. URBAN

Assistant Attorney General

Florida Bar No. 63455

Office of the Attorney General

The Capitol, PL-01

Tallahassee, Florida 32399-1050

Telephone: (850) 414-3300

Facsimile: (850) 488-4872

mark.urban@myfloridalegal.com

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed and furnished by U. S. Mail to: Matthew Thompson, DC# R64543, Walton Correctional Institution, 691 Institution Road, DeFuniak Springs, Florida 32433-1831 on April 14, 2016.

/s/ Mark S. Urban

MARK S. URBAN

CERTIFICATION OF MEMORANDUM WORD COUNT

Pursuant to local rule 7.1(F), undersigned certifies that the preceding memorandum contains **101** words.

/s/ Mark S. Urban

MARK S. URBAN